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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,876	04/27/2001	Steven P. Ungetheim	93214.032	1747

7590 07/02/2003

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EXAMINER

FOX, CHARLES A

ART UNIT

PAPER NUMBER

3652

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/844,876

Applicant(s)

UNGETHEIM ET AL.

Examiner

Charles A. Fox

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2 and 4-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2 and 4-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

This application has been reassigned to examiner Charles A. Fox

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 recites the limitation "said electric motor" in line 3, and the limitation "said drive shaft" in line 2. There is insufficient antecedent basis for this limitation in the claim. Previous to claim 4 there is no mention as to the power source of the drive mechanism in the instant invention. The language of the claim must be changed to positively set forth that the motor is an electrically driven motor. In the rejections below the "drive shaft " is considered to be the rotor shaft and the "electric motor" is considered to be a motor.

Claims 6 and 7 recites the limitation "said drive shaft" in line 2. There is insufficient antecedent basis for this limitation in the claim. No drive shaft is mentioned in claim 11.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11,4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Petersen, Jr. et al. In regards to claim 11 Petersen, Jr. et al. (herein Petersen) US

6,179,545 discloses a vehicular ramp adapted for wheelchair access to said vehicle, said ramp comprising:

- a drive mechanism (18) located below the floor of said vehicle;
- a rotor shaft (70) parallel with the hinge (16) to said ramp;
- a pair of arms (28) coupled to said rotor shaft;
- said ramp includes a bracket (30) on each side;
- said drive mechanism includes a pair of shafts (not numbered) coupling the arms (28) to the brackets (30), whereby rotation of the rotor shaft causes rotation of the ramp about said hinge (16).

In regards to claim 4 Petersen discloses a sensor (48) that signals the power to the drive mechanism be stopped once the ramp has reached a predetermined position during deployment. See column 7 lines 29-47.

In regards to claim 6 Petersen also discloses the rotor shaft is supported by a pair of bearings (62).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petersen as applied to claim 11 above, and further in view of Vartanian. Petersen teaches the

limitations of claim 11 as above, they further teach the drive mechanism can be an electric motor, Petersen does not teach using a gear motor to drive their mechanism. Vartanian US 5,542,811 teaches a wheelchair lift for vehicles that is driven by a gear motor (138). It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the device taught by Petersen with a gear motor as taught by Vartanian in order to increase the torque of the drive motor without increasing the size of the motor, thereby allowing a smaller motor to lift a heavier load.

Claims 5 & 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petersen as applied to claims 11 and 4 above, and further in view of Roth-Stielow et al. Petersen teaches the limitations of claims 4 and 11 above, they also teach using a resistive load to brake the fall of the ramp during deployment. They do not teach using a heat dissipating load to brake the movement of the ramp. Roth-Stielow et al. US 6,081,086 teaches an apparatus for electrically braking a motor comprising:

- a heat dissipating load in the form of a braking resistor (3);
- a switch (21) for switching current from said motor to said braking system;
- a diode (D) in series with said resistor (3) (see figure 1).

It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the apparatus taught by Petersen with the braking system taught by Roth-Stielow et al. in order to brake the ramp using a well know technology (regenerative braking) in such a manner that installation and manufacturing cost can be reduced as well as protecting the overall system from thermal damage by releasing the heat generated to the ambient surroundings.

Response to Amendment

The amendments to the claims filed on March 12, 2003 have been entered into the record. The formal drawing filed on the same date are accepted by the examiner.

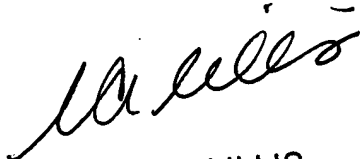
The prior art made of record and not relied upon, but considered pertinent to applicant's disclosure is: Spurr 2000, Koselke et al. 2000, Westlake 2000, and Calamatas 2001.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A. Fox whose telephone number is 703-605-4294. The examiner can normally be reached between 7:00-5:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached at 703-308-3248. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

CAF
June 17, 2003
CAF 6-17-03


EILEEN D. LILLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600